



APC
JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: VIG et al.

Assignee: MagiQ Technologies, Inc.

Serial No.: 10/706,815

Filed: November 12, 2003

Art Unit No.: 2136

Examiner: Shiferaw, Elani

Title: Optical pulse calibration for
quantum key distribution

Attorney Docket No.: 029-03US1

Mail Stop: Petitions

Commissioner for Patents

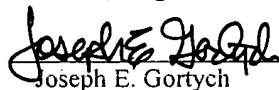
PO Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

Commissioner for Patents
PO Box 1450
Alexandria, Virginia, 22313-1450


Joseph E. Gortych

Date: 6/13/06

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(a)**

Pursuant to 37 CFR 1.181(a), the above-identified Assignee hereby petitions the Direction of the USPTO to withdraw the holding of abandonment of the above-identified patent application.


Assignee's authorized representative received on June 12, 2006, a Notice of Abandonment, which was mailed by the USPTO on June 08, 2006. However, Assignee's authorized representative never received the Notice of Allowance for the RCE application, which was filed on August 8, 2005.

Applicant's authorized representative has searched the file jacket to ensure that the Notice of Allowance for the RCE application was not inadvertently filed without being docketed, and no such Notice of Allowance was found. Further, Applicant's authorized representative includes herewith the docket entries for the above-identified application, which notes the status of the case as "Awaiting response to RCE filed on 8/8/05." The numerous entries in the docket also show that Applicant's authorized representative was fully engaged in monitoring and recording all correspondence in connection with the case.

Applicant's authorized representative would also like to point out that as a sole practitioner without administrative staff, he personally receives and processes all USPTO correspondence. Further, the file jacket for the matter in question has been stored since 8/8/05 in an "active file" area next to the Applicant's authorized representative's desk so that correspondence for the matter could be immediately processed and responded to in the appropriate manner, in anticipation of a favorable response from the USPTO. Indeed, correspondence for the present matter was being diligently monitored, as the present case represents one of Assignee's first opportunities for receiving a patent on its quantum key distribution technology.

In view of the above, Assignee respectfully requests withdrawal of the holding of abandonment, and that the USPTO re-mail the Notice of Allowance to the undersigned Applicant's authorized representative.

Respectfully Submitted,



Joseph E. Gortych

Reg. No. 41,791

Date: 06/13/06

Enc. Docket entries for matter 029-03US1



Docket entries for 029-03US1

<p>10</p> <p>029-03US1</p>		<p>Optical pulse calibration for quantum key distribution</p> <p>10/706,815</p> <p>US-2005-0111667-A1 (5/26/05)</p>	<p>R: 11/12/03</p>	<p>***</p> <p>Awaiting Response to RCE filed on 8/8/05</p> <p>***</p>	<p>Initial filing; filing receipt, etc. PCT App. was filed on Feb. 13, 2004 FFL granted 02/09/04 Assignment recorded 11/12/03 R/F = 014682/0555 IDS filed 7/12/04 Supp. IDS filed 02/11/05 First OA mailed 01/07/05 First OA response mailed 05/03/05 > RR postcard rec'd > Telephone call w/ examiner re: compliant amd. on 6/23/05. Good to go. Notice of POA rec'd (mailed 5/17/03) Notice of publication of application (5/26/05) > Telephone call w/ examiner 7/26/05 regarding amending app to change "Amax" to "Amin, and she indicated filing RCE to amend would be OK Notice of Allowance rec'd 8/8/03 Filed RCE on 8/8/05 > RR postcard rec'd</p>
----------------------------	--	---	--------------------	---	---